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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,834	06/23/2003	Modie Katz	10454	9560

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EXAMINER

PHAN, HAU VAN

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/601,834		KATZ, MODIE	
	Examiner		Art Unit	
	Hau V Phan		3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

HK

DETAILED ACTION

Acknowledgment

1. The amendment filed on 5/4/2005 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 3, 6-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "a gate portion removably attached to the fourth side of said box and extending outward" is unclear, whether the fourth side of said box or the fourth side of said bottom portion, and extending outward to what portion of the cart or which portion will extending outward.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 6-8, 10, 12, 16-17 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by White et al. (5,318,315).

White et al. in figures 1-5, disclose a combination apparatus, which converts from a dolly to a cart comprising a box for hauling a load. The box includes a bottom portion (12) having four sides, and at least three side portions (13a, 13b, 19a) disposed about at least three sides of the bottom portion and extending perpendicularly outward from the bottom portion. White et al. also disclose a detachable handle (17). The handle removably attached to the box in at least two positions such that handle is used in a first position as a dolly (as shown figure 3) and in a second position as a cart (as shown in figure 4). White et al. also discloses at least one wheel (16) attached to the box, at least one stabilizing foot (20) attached to the box and a gate portion (19b) removably attached to the fourth side of the box and extending outward (Notice, the thickness of the gate portion added to the box can be considered extending outward). Or regarding claim 4, the gate portion, which can be included part members (19b, 18). The part members removably attached to the detachable handle, extending away from the bottom portion of the box.

Regarding claims 3, 5, White et al. disclose an accessory box (18) mounted on the gate portion.

Regarding claims 6 and 16, White et al. disclose an axle (21), which is mounted on the underside of the box for mounting the at least one wheel.

Regarding claims 7 and 17, White et al. disclose the at least one wheel comprising two wheels mounted on the axle. The two wheels mounted on opposing sides of the box.

Regarding claim 8, White et al. disclose the axle, which is located at a distance such that outer perimeter of each wheel is flush with the front side of box (figure 5).

Regarding claims 10 and 20, White et al. disclose the at least one stabilizing foot, which is U-shaped.

Regarding claims 12 and 22, White et al. disclose the detachable handle, which is an U-shaped having a handle portion and opposing parallel shafts.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. as applied to claims 7 and 17 above, and further in view of Hawkins (4,981,412).

White et al. disclose the axle, but fail to show a pedal.

Hawkins in figure 1, teaches a hand truck comprising a pedal (62), which is connected to an axle midway between two wheels (56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dolly

combination cart of White et al. with the addition of a pedal as taught by Hawkins in order to improve way of lifting of the handcart.

8. Claims 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (5,318,315) as applied to claims 10 and 20 above, and further in view of Mosley (5,915,706).

White et al. discloses the at least one stabilizing foot, but fail to show two U-shaped stabilizing feet.

Mosley in figure 1, teaches a wheelbarrow comprising two U-shaped stabilizing feet (14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handcart of White et al. with the addition of two U-shaped stabilizing feet as taught by Mosley in order to improve durability and load holding capability of the handcart.

9. Claims 13 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (5,318,315) in view of Mosley (5,915,706) as applied to claims 12 and 21 above, and further in view of McConnell et al. (5,464,183).

The combination of White et al. and Mosley disclose the handle, but fail to show an accessory bar.

McConnell et al. in figure 1, teach an accessory bar (10), which can be attached to a handle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handcart of white et al. with the addition of an accessory bar as taught by McConnell et al. in view of Mosley in order to hold accessory items on the handcart.

10. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. in view of Hawkins (4,981,412).

White et al. in figures 1-5, discloses a dolly combination cart comprising a box for hauling a load. The box includes a bottom portion (12) having four sides, and at least three side portions (13a, 13b, 19a) disposed about at least three sides of the bottom portion and extending perpendicularly outward from the bottom portion. White et al. also disclose a detachable handle (17). The handle removably attached to the box and such that the handle when placed in a first position is a dolly (as shown in figure 3) and is a cart when placed into second position (as shown in figure 5). White et al. also disclose at least one stabilizing foot (20) attached to the box and a gate (18) attached to the detachable handle. The gate formed a box to carry additional supplies and tools. White et al. also disclose an axle (21) mounted on the box, a left wheel (16) and a right wheel (16) attached to the axle and mounted on opposing sides of the box. White et al. fail to show a pedal mounted on the axle midway between the left wheel and the right wheel.

Hawkins in figure 1, teaches a hand truck comprising a pedal (62), which is connected to an axle midway between two wheels (56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dolly combination cart of White et al. with the addition of a pedal as taught by Hawkins in order to improve way of lifting of the handcart.

Response to Arguments

11. Applicant's arguments with respect to claims 1, 3-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 571-272-6696. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hau V Phan
Primary Examiner
Art Unit 3618

Hau Phan
5/15/05